

DISTRICT COURT OF THE VIRGIN ISLANDS

DIVISION OF ST. CROIX

**AMALIZ FELIX, individually and as
next friend and mother of ROBERT A.
RUIZ, JR.,**

1:06-cv-49

Plaintiffs,

v.

FAROUK A. HASSIEB,

Defendant.

**TO: Lee J. Rohn, Esq.
James L. Hymes, III, Esq.**

ORDER GRANTING DEFENDANT'S MOTION TO COMPEL

THIS MATTER is before the Court upon Defendant's Motion to Compel Plaintiff to Respond to Discovery (Docket No. 90). Plaintiff filed an opposition to said motion. Defendant has indicated to the Court that he does not intend to file a reply.

As a preliminary matter, the Court finds that counsel's certification, in conjunction with the exhibits filed with the motion that demonstrate counsel for Plaintiff's refusal to meet and confer, complies with LRCi 37.2.

It is clear from the motion and the attached statement of Cathy McVay that Defendant has a legitimate basis for requesting the release of Plaintiff's criminal records.

Plaintiff seeks damages, including "loss of capacity to earn income." Complaint at para.

6. Thus, discovery regarding Plaintiff's potential future income is relevant. As Cathy McVay states, Plaintiff's criminal record may have an impact upon Plaintiff's employability and, consequently, her potential future income. Defendant is entitled to an evaluation that takes those facts into consideration.

Accordingly, it is now hereby **ORDERED**:

1. Defendant's Motion to Compel Plaintiff to Respond to Discovery (Docket No. 90) is **GRANTED**.
2. Plaintiff shall deliver to counsel for Defendant the original, executed Criminal Records Authorization Form, within five (5) days from the date of entry of this order.

ENTER:

Dated: September 14, 2009

/s/ George W. Cannon, Jr.
GEORGE W. CANNON, JR.
U.S. MAGISTRATE JUDGE